

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JENNIFER BAWDEN,	:	
	:	
Plaintiff,	:	19-CV-8034 (ALC) (OTW)
	:	
-against-	:	<u>ORDER TO SHOW CAUSE</u>
	:	
DAVID K. TOWNES,	:	
	:	
Defendant.	:	
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ONA T. WANG, United States Magistrate Judge:

On December 2, 2020, the Court scheduled a status conference for April 7, 2021 at 10:30 am and stated that it would “inform parties closer to the date whether the conference will be in-person or telephonic.” (ECF 77).

On January 14, 2021, Plaintiff wrote that Defendant failed to timely serve his Federal Rule of Civil Procedure (“Rule”) 26(a) initial disclosures and failed to return Plaintiff’s counsel’s emails. (ECF 78). On January 19, 2021, the Court ordered that Defendant serve his initial disclosures by February 2, 2021 and warned that “failure to comply with his discovery obligations may result in a recommendation that his answer be stricken and a default judgment be entered against him.” (ECF 79). On February 12, 2021, Plaintiff wrote again that Defendant failed to serve his initial disclosures. (ECF 81). On February 23, 2021, the Court ordered that Defendant serve his initial disclosures by March 10, 2021 or, if Defendant failed to comply with his discovery obligations, Plaintiff shall move to strike Defendant’s answer. Plaintiff moved to strike the answer (and for sanctions) on March 17, 2021. (ECF 84).

On April 5, 2021, the Court provided parties with the dial-in for the April 7, 2021 conference and instructed that: (1) Plaintiff email Defendant a copy of the order, and (2) the Clerk of Court mail a copy of the order to Defendant. (ECF 88 (entered April 6, 2021)).

Plaintiff appeared for the April 7, 2021 conference, but Defendant did not appear. At the conference, Plaintiff's counsel represented that on the same day the April 5, 2021 order was entered, he had emailed a copy of the order to Defendant.¹

It is HEREBY ORDERED that Defendant show cause in writing by April 22, 2021 why I should not recommend granting Plaintiff's motion to strike his answer (ECF 84) for Defendant's failure to comply with Rule 16(a) and Rule 26(a)(1). See Rule 16(f)(1) and Rule 37(b)(2)(A). The Defendant shall consult the Court's website for instructions on *pro se* filings, <https://www.nysd.uscourts.gov/prose>. See attached.

Plaintiff is directed to order a copy of the April 7, 2021 conference transcript, serve a copy of the transcript and this Order on Plaintiff, and file proof of service on the docket.

The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* Defendant.

SO ORDERED.

Dated: April 8, 2021
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge

¹ The Clerk of Court mailed a copy of the order on April 6, 2021.



**United States District Court
Southern District of New York**
Temporary_Pro_Se_Filing@nysd.uscourts.gov.

INSTRUCTIONS: EMAIL PRO SE FILINGS

How do I email documents to the Clerk's Office for filing?

- **SIGN.** You must sign your document by either signing the document before you scan it or typing "/s/ [Your Name]." The Court will accept typed signatures in this format.
- **CONTACT INFORMATION.** The document must include your name, address, telephone number and email address (if available).
- **SUBJECT LINE.** For existing cases, the subject line of the email must read, "Pro Se Filing – XX-CV-XXXX." For new cases, the subject line of the email must read, "Pro Se Filing – New Case."
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Can I start a new case by email?

- **YES.** To start a new case, you may email your complaint to
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- In addition to emailing your complaint, you must either (1) email an application requesting that the fee be waived, available at <https://nysd.uscourts.gov/node/838>, or (2) pay the filing fee of \$400. If you are paying the filing fee, add to the subject line, "Pro Se Filing – New Case – FEE PAID." Payment must be made within 21 days by certified check or money order, made out to Clerk, USDC, SDNY, and mailed to: Cashiers-Room 120, 500 Pearl Street, New York, NY 10007. The check must include the case number, which you can learn by calling (212) 805-0175.

Can I include any questions or information in my email?

- **NO.** You must only include the attached document(s) for filing. No one will read messages in the body of the email and no one will respond to any questions.

Will someone respond to my email?

- **NO.** This email address cannot respond to inquiries. The Clerk's Office will download the email attachment. This is a NO-REPLY email address. But you may call (212) 805-0175 to confirm that your documents were received. Please wait at least one week before calling.

Can I email the assigned judge instead?

- **NO.** Any submission emailed to any other court email address will be disregarded by the recipient.

Can the Clerk's Office assist with scanning?

- **NO.** If you are unable to email your documents, you must submit them by mail to the Pro Se Intake Unit.

Can someone email my documents for me?

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